

21 C.J.S. Courts § 254

Corpus Juris Secundum | May 2023 Update

Courts

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VIII. Concurrent and Conflicting Jurisdiction

A. Courts of Same State

1. In General

§ 254. Statutory grant of jurisdiction

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West's Key Number Digest

West's Key Number Digest, [Courts](#)  472.1

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If the legislature intends to vest exclusive jurisdiction in a court, it generally grants such jurisdiction by appropriate statutory language.¹ Use of the term "jurisdiction" alone, without qualifying terms, does not necessarily preclude the possession of concurrent jurisdiction by other courts.²

The fact that a state legislature has granted a court plenary powers under a statute governing specified actions does not indicate an intention to grant the court exclusive jurisdiction over such actions as the word "plenary" means complete and unqualified, but not exclusive,³ and will not impact common law jurisdiction held by other state courts.⁴ Similarly, a statute stating that a court

"shall" or "may" restrain a violation of a particular act or law does not express an intention to grant exclusive jurisdiction to the court to decide cases under such act or law.⁵

Subject to constitutional restrictions, when a state constitution or statute vests jurisdiction in a tribunal without use of the qualifying term "exclusive" or its equivalent, the legislature may, in its discretion, vest the same jurisdiction in another court or tribunal.⁶ Unless the legislature confers upon a tribunal exclusive original jurisdiction over matters that had been within the authority of another tribunal, the authority so conferred will ordinarily be deemed concurrent with that of the original tribunal.⁷

CUMULATIVE SUPPLEMENT

Cases:

The grant of chancery and common law jurisdiction to a district court by the State Constitution, while original, is not exclusive. [Neb. Const. art. 5, § 9. In re Estate of Adelung, 306 Neb. 646, 947 N.W.2d 269 \(2020\).](#)

[END OF SUPPLEMENT]

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Footnotes

- 1 Ohio—*State ex rel. Banc One Corp. v. Walker*, 86 Ohio St. 3d 169, 1999-Ohio-151, 712 N.E.2d 742 (1999).
- 2 Cal.—*Hopkins v. Anderson*, 218 Cal. 62, 21 P.2d 560 (1933).
Fla.—*State v. Sullivan*, 95 Fla. 191, 116 So. 255 (1928).
- 3 Vt.—*Secretary, Agency of Natural Resources v. Upper Valley Regional Landfill Corp.*, 167 Vt. 228, 705 A.2d 1001 (1997).
- 4 Neb.—*Kotrous v. Zerbe*, 287 Neb. 1033, 846 N.W.2d 122 (2014).
- 5 Tex.—*Continental Coffee Products Co. v. Cazarez*, 937 S.W.2d 444 (Tex. 1996).
- 6 Fla.—*State v. Sullivan*, 95 Fla. 191, 116 So. 255 (1928).
- 7 R.I.—*Barone v. O'Connell*, 785 A.2d 534 (R.I. 2001).